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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re of the Application of

Stephen Michnick et al

Serial Number: 10/724,178

Filed: December 1, 2003

For: FRAGMENTS OF FLUORESCENT  
PROTEINS FOR PROTEIN  
FRAGMENT COMPLEMENTATION  
ASSAYS

Group Art Unit: 1631  
Examiner: John S. Brusca

**DECLARATION PURSUANT TO 37 C.F.R. § 1.132**

I, Stephen William Watson Michnick, hereby declare and state the following:

1. I am one of the co-inventors of the above-cited application.
2. I, along with my co-inventors Marnie L. MacDonald and Jane Lamerdin, were involved in the conception of the presently claimed invention.
3. I am aware that there is a publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 10/856,620 now U.S. Patent Publication 2004/ 0241636 A1 ("the '636 application"), was published on December 2, 2004.

4. The inventors listed on the '636 application and publication are Stephen William Watson Michnick, Barbara Belisle, Marnie MacDonald, John K. Westwick and Jane Lamerdin.

5. I believe that Barbara Belisle and John K. Westwick listed as inventors on the '636 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '636 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

6. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 10/772,021 and now U.S. Patent Application Publication US2004/0161787 A1 ("the '787 application"), was published on August 19, 2004.

7. The inventors listed on the '787 application and publication are Stephen William Watson Michnick, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John K. Westwick .

8. I believe that Ingrid Remy, Helen Yu and John K. Westwick listed as co-inventors on the '787 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '787 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

9. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/353,090 now published as U.S. Patent Application 2004/0038298 A1 ("the '298 application"), was published on February 6, 2004.

10. The inventors listed on this '298 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

11. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '298 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '298 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

12. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/154,758 now published as U.S. Patent Application 2003/0049688 A1 ("the '688 application"), was published on March 13, 2003.

13. The inventors listed on this '688 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

14. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '688 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '688 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

15. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 09/603,885 ("the '885 application"), was filed on June 26, 2000.

16. The inventors listed on this '885 application are Stephen William Watson Michnick, Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt.

17. I believe that Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt listed as co-inventors on the '885 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '885 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

18. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,428,951 ("the '951 patent"), issued on August 6, 2002.

19. The inventors listed on the '951 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

20. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '951 patent, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '951 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and Jane Lamerdin.

21. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,294,330 ("the '330 patent"), issued on September 25, 2001.

22. The inventors listed on the '330 patent are Stephen William Watson Michnick, and Ingrid Remy.

23. I believe that Ingrid Remy, listed as a co-inventors on the '330 patent, is properly not named as a co-inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '330 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and Jane Lamerdin.

24. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,270,964 ("the '951 patent"), issued on August 7, 2001.

25. The inventors listed on the '964 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

26. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '964 patent, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '964 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and Jane Lamerdin.

27. I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both and under Section 1001 of title 18 of the United States Code.

3 March 2005  
DATE

  
STEPHEN WILLIAM WATSON MICHNICK